

**REGULAR BURLEY CITY COUNCIL MEETING
CITY HALL
1401 Overland Avenue
Burley, Idaho
March 2, 2021**

AGENDA

REGULAR SESSION AT 7:00 P.M.

CONSENT CALENDAR

1. **ACTION ITEM 1.a through c.** Items on the Consent Calendar are considered to be routine and enacted by one motion. Any item may be removed for discussion and made a part of the regular agenda at the request of a member of the Council. Any request shall be made after the Consent Calendar is read and before action is taken.
 - a. **APPROVAL OF MINUTES FROM REGULAR AND SPECIAL MEETINGS**
 - b. **BILLS PAYABLE \$858,813.94.**
 - c. **PAYROLL ENDING ON 2/12/21 FOR \$316,788.48.**

2. **ACTION ITEM** Fiscal Year 2020 Audit Jacob Catmull
3. **ACTION ITEM** Approve Library Override Levy for \$277,280.00 Tayce Robinson
4. **ACTION ITEM** Approval of Res. 2-21 Library Override Levy Tayce Robinson
5. **ACTION ITEM** Memorandum of Understanding on Property Development Mark Mitton
6. **ACTION ITEM** Golf Shed Construction Scott Draper

7. Report and Discussion of Recent City Events

Information Items

BUILDING PERMITS:

High Desert Milk 1033 Idaho Street Commercial Addition \$11,513,726.61

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**REGULAR BURLEY CITY COUNCIL MEETING
CITY HALL
March 2, 2021**

COMMENCE MEETING

Council met in regular session at 7:00 p.m. with Mayor Ormond presiding. Council members present were Casey Andersen, Jon Anderson, John Craner, Janet Hansen, Bryce Morgan and Kimberli Seely.

City Staff present were as follows: City Administrator Mark Mitton, City Clerk Ellen Maier-excused, Attorney Dave Shirley, Sexton Dave Allred, Economic Development Specialist Doug Manning, Golf Pro Scott Draper, Engineer Bryan Reiter, Fire Chief Shannon Tolman-excused, Electrical Supervisor Brent Wallin, Parks Supervisor Brent Winn, Librarian Tayce Robinson, Human Resource Carol Anderson and Sheriff George Warrell.

Mayor Ormond asked for a moment of silence for Fire Chief Tolman and his family.

INVOCATION

The Invocation was offered by Council member Hansen followed by the Pledge to the Flag.

CONSENT CALENDAR

1. Items on the Consent Calendar are considered to be routine and enacted by one motion. Any item may be removed for discussion and made a part of the regular agenda at the request of a member of the Council. Any request shall be made after the Consent Calendar is read and before action is taken.

- a. **APPROVAL OF MINUTES FROM REGULAR AND SPECIAL MEETINGS**
- b. **BILLS PAYABLE \$858,813.94.**
- c. **PAYROLL ENDING 2/19/21 FOR \$316,788.48.**

Information Items

BUILDING PERMITS:

High Desert Milk	1033 Idaho Street	Commercial Addition	\$11,513,726.61
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NEW HIRE:

Parker Jones	Equipment Operator	Streets Department	\$17.00 Per Hour
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A motion was made by Council member Craner and seconded by Council member Morgan to accept the Consent Calendar as written.

Roll Call Vote.

The results of the votes were as follows:

Casey Andersen	Aye	Janet Hansen	Aye
Jon Anderson	Aye	Bryce Morgan	Aye
John Craner	Aye	Kimberli Seely	Aye

Motion carried.

FISCAL YEAR 2020 AUDIT

Jacob Catmull from Poulsen VanLeuven & Catmull PA presented Council with the 2019/2020 audit. He stated that this was a clean audit and was done in accordance of the Idaho required accounting standards. He mentioned that Caselle, the software system, is very good at breaking the transactions out by fund. Mr. Catmull briefly discussed the different funds, stating that overall the funds have good fund balances and good cash reserves. Mr. Catmull asked Council to look it over and it will be back on the next agenda for their acceptance.

APPROVE LIBRARY OVERRIDE LEVY FOR \$277,280.00

Librarian Tayce Robinson asked Council to approve the 2-year override levy for the library in the amount of \$277,280.00 to be on the May 18, 2020 ballot. He said this represents 51% of his budget and the money provides for a full time programs librarian, increase in programs for the children and to improve teen and adult programs, it will also provide salaries and our contracted computer technician. Mr. Robinson mentioned that they got the STEAM Grant and that only twelve libraries in the nation were awarded this grant and they will reach a vast majority of 10 to 13 year olds with this grant.

A motion was made by Council member Morgan and seconded by Council member Casey Andersen to approve the levy amount for \$277,280.00.

Roll Call Vote:

The results of the votes were as follows:

Casey Andersen	Aye	Janet Hansen	Aye
Jon Anderson	Aye	Bryce Morgan	Aye
John Craner	Aye	Kimberli Seely	Aye

Motion carried.

APPROVAL OF RESOLUTION NO. 2-21 LIBRARY OVERRIDE LEVY

Librarian Tayce Robinson asked Council to approve Resolution No. 2-21 for the 2-year override levy.

Attorney Lance Loveland said once the Resolution is signed it will be forwarded to the counties to make sure it gets on the May ballots.

A motion was made by Council member Casey Andersen and seconded by Council member Morgan to approve Resolution No. 2-21 and allow the Mayor to sign it.

Roll Call Vote:

The results of the votes were as follows:

Casey Andersen	Aye	Janet Hansen	Aye
Jon Anderson	Aye	Bryce Morgan	Aye
John Craner	Aye	Kimberli Seely	Aye

Motion carried.

RESOLUTION NO. 2-21

A RESOLUTION OF THE CITY OF BURLEY, IDAHO, ORDERING A SPECIAL ELECTION TO BE HELD TO DETERMINE WHETHER THE LEVY UPON TAXABLE PROPERTY SHALL BE INCREASED BY THE SUM OF \$277,280.00 FOR EACH OF THE TAX YEARS 2021 AND 2022; PROVIDING THAT THE INCREASE BE USED FOR THE BURLEY PUBLIC LIBRARY; ESTABLISHING A DATE, TIME, AND PLACE OF THE ELECTION; PROVIDING A FORM OF BALLOT; APPROVING A FORM OF NOTICE OF ELECTION; AND PROVIDING FOR RELATED MATTERS.

WHEREAS the Burley Public Library is funded out of the general revenues of the City of Burley; and

WHEREAS the Burley Public Library has shown the need for an additional Two Hundred Seventy-Seven Thousand Two Hundred Eighty and no/100 Dollars (\$277,280.00) per year in its budget to provide the additional services set forth on "Exhibit A" to this resolution; and

WHEREAS an override levy will be required to produce Two Hundred Seventy-Seven Thousand Two Hundred Eighty and no/100 Dollars (\$277,280.00) per year for the Burley Public Library; and

WHEREAS Idaho Code § 63-802(3) authorizes a two-year override levy if approved by a majority of the taxing district's electors voting on the question at an election called for that purpose;

NOW, THEREFORE,

BE IT RESOLVED by the Council and Mayor of the City of Burley:

Section 1: A special election is hereby called to be held within the City of Burley on May 18, 2021, for the purpose of submitting to the qualified electors of the City of Burley the question set forth in the form of ballot appearing in Section 8 hereof.

Section 2: Said election shall be held in accordance with Idaho Code §§ 63-802(3) and 34-106, and with the Notice of Special Election attached and incorporated hereto as "Exhibit B." The ballot proposition to be voted upon at the special election shall be separate from any other measure that might be voted upon on said date and only those qualified electors casting valid ballots upon the proposition set forth herein shall be counted in determining whether the proposition has been approved.

Section 3: In accordance with Idaho Code § 34-439A, the brief Official Statement attached and incorporated hereto as "Exhibit C," shall be made a part of the ballot and shall be included in the official notice of the election, as indicated in Section 8 and Exhibit B hereof.

Section 4: The polls of said election shall be open at the hour of 8:00 o'clock A.M. on May 18, 2021, and shall remain open until all registered electors of the City of Burley have appeared and voted, or until 8:00 o'clock P.M. of the same day, whichever occurs first. The polling places within the City of Burley shall be those polling places designated as precinct voting stations by Cassia County and Minidoka County pursuant to Idaho Code.

The polling places shall be operated according to Idaho law under the direction of the Cassia County and Minidoka County Clerks. All election officials shall take an oath to faithfully perform his or her duties.

Section 5: Any qualified and registered elector of the City of Burley may vote by absentee ballot in the manner provided by Title 34, Chapter 10, Idaho Code. Applications for absentee ballot shall be in writing; contain the name of the elector, his or her home address, county, and the address to which such ballot shall be forwarded; and made to the Cassia County or Minidoka County Clerk no later than 5:00 o'clock P.M. on May 7, 2021. All in-person absentee voting must be completed by 5:00 o'clock P.M. on May 14, 2021, and, to be counted, all absentee ballots must be received by the Cassia County or Minidoka County Clerk by 8:00 o'clock P.M. on the day of the special election, May 18, 2021.

Section 6: Each person voting at such special election shall be, at the time of the election, a qualified elector of the City of Burley within the meaning of Article 6, Section 2 of the Idaho Constitution and § 34-402, Idaho Code, eighteen (18) years of age or older, properly registered, and a citizen of the United States who has resided in the State of Idaho and in the City of Burley for at least thirty (30) days preceding the election. The last day for in-person absentee voting is May 14, 2021, at 5:00 o'clock P.M.

Section 7: Electors must, in order to vote at the special election, be registered to vote according to the registration records of Cassia County or Minidoka County, Idaho, as required by Idaho Code.

Any individual who is eligible to vote may register by mail for said special election in the manner provided for by Idaho Code.

Any person who is eligible to vote may register on election day by appearing in person at the polling place established for the election and completing a registration card, making an oath on the form prescribed by law, and providing proof of residence in the manner provided for by § 34-408A, Idaho Code. Residence, for registration purposes, may be proved by: (1) showing an Idaho driver's license or Idaho identification card issued through the department of transportation; (2) showing a document that contains a valid address in the precinct together with a picture identification card; or (3) showing a current valid student photo identification card from a postsecondary educational institution in Idaho accompanied with a current student fee statement that contains the student's valid address in the precinct.

No qualified elector who was duly registered as a voter and who continues to reside at the same address or within in the same precinct in which he or she is registered, and

who has voted in at least one primary or general election within his or her county of residence during the past four (4) years, shall be required to reregister.

Section 8: The ballot proposition for the said election shall be in substantially the following form:

CITY OF BURLEY
Cassia County and Minidoka County, Idaho
SPECIAL ELECTION MAY 18, 2021

THE PURPOSE FOR WHICH THE LEVY SHALL BE USED IS AS FOLLOWS:

FOR THE NEXT 2 YEARS, LEVY FUNDS IN THE AMOUNT OF (\$277,280.00) SHALL BE USED TO PROVIDE 51% OF THE GENERAL OPERATING FUNDS FOR THE LIBRARY AND FOR AN IMPROVED PATRON EXPERIENCE BY USING FUNDS TO MAKE AVAILABLE ACCESS TO MEMBER LIBRARIES WHICH SHARE MATERIALS FOR THE BENEFIT OF PATRONS. LEVY FUNDS SHALL ALSO BE USED FOR SOFTWARE AND EQUIPMENT SYSTEMS AND THE PURCHASE OF E-BOOKS, AUDIO, AND VISUAL LIBRARY MATERIALS. THE FUNDS SHALL ALSO BE USED TO PAY FOR A PROGRAM LIBRARIAN, LIBRARIANS AND SUPPORT STAFF SALARIES AND TO PROVIDE SERVICE AND MAINTENANCE, AS WELL AS A CONTRACTED COMPUTER TECHNICIAN AND JUNIOR RESOURCE INTERNS. THE ESTIMATED AVERAGE ANNUAL COST TO THE TAXPAYER OF THE PROPOSED LEVY, IN THE FORM OF A TAX IS \$40.77 PER ONE HUNDRED THOUSAND DOLLARS (\$100,000) OF TAXABLE ASSESSED VALUE, PER YEAR, BASED ON CURRENT CONDITIONS.

SHALL THE LEVY UPON THE TAXABLE PROPERTY WITHIN THE CITY OF BURLEY BE INCREASED TO PRODUCE THE SUM OF TWO HUNDRED SEVENTY-SEVEN THOUSAND TWO HUNDRED EIGHTY AND NO/100 DOLLARS (\$277,280.00) IN EXCESS OF THAT OTHERWISE ALLOWED BY LAW, FOR EACH OF THE TAX YEARS 2021 AND 2022, TO PROVIDE ADDITIONAL FUNDING FOR THE BURLEY PUBLIC LIBRARY AS PROVIDED IN RESOLUTION NO. 2-21 OF THE BURLEY CITY COUNCIL ADOPTED ON THE 2ND DAY OF MARCH, 2021.

INSTRUCTIONS: Vote on the foregoing proposition by placing an X in the box to the right of your choice.

IN FAVOR OF increasing the levy by Two Hundred Seventy-Seven Thousand Two Hundred Eighty and no/100 Dollars (\$277,280.00) for each of the tax years 2021 and 2022

AGAINST increasing the levy by Two Hundred Seventy-Seven Thousand Two Hundred Eighty and no/100 Dollars (\$277,280.00) for each of the tax years 2021 and 2022

The Burley City Council has adopted the following Official Statement:

On May 18, 2021, a special election will be held on the question of a levy to provide additional funding for the Burley Public Library as provided in Resolution No. 2-21 of the Burley City Council adopted on the 2nd day of March, 2021. The levy will be assessed for the two tax years 2021 and 2022, and it is estimated that Two Hundred Seventy-Seven Thousand Two Hundred Eighty and No/100 Dollars (\$277,280.00) in excess of that otherwise allowed by law will be collected each year.

Section 9: Notice of said special election shall be given prior to said election by publishing the notice of such election at least twice in a newspaper having general circulation within the City of Burley, the first publication being at least twelve (12) days prior to the election and the last publication being not less than five (5) days prior to the election, which notice shall substantially be in the form attached hereto as Exhibit B.

Section 10: If, at said election, the majority of the voters vote to approve, the levy on the taxable property within the City of Burley will increase by the amount necessary to produce additional tax revenues in the sum of Two Hundred Seventy-Seven Thousand Two Hundred Eighty and No/100 Dollars (\$277,280.00) in excess of that otherwise allowed by law, for each of the tax years 2021 and 2022.

Section 11: All ballots shall be counted, and all votes shall be tallied and canvassed in the manner provided by Title 34, Chapter 12, Idaho Code.

DATED this 2nd day of March, 2021.

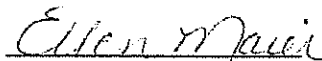
PASSED March 2 2021

APPROVED March 2 2021



Steve Ormond
Mayor

ATTEST:



Ellen Maier
City Clerk

EXHIBIT A

Services for the Burley Public Library, which include, but are not limited to:

- Fund Librarians and support staff salaries and benefits to provide service to customers and provide collection development and maintenance.
- Fund a children's and youth Librarian to deliver reading support and other educational programs and also select age-appropriate materials. This levy also provides funding for programs such as Computer and Technology classes, Summer Reading, and after-school programs.
- Supply after-school study and assignment assistance utilizing junior resource interns for traditional library and skilled computer help, and library programs.
- Fund a contracted computer technician to maintain technological and electronic equipment and access including computer, Wi-Fi, and Internet services. Also provides audio support for library programs.
- Provide citizen access to member public libraries belonging to a consortium which shares library materials. The Burley Public Library remains an independent library with membership options.
- Fund the ongoing operating costs of the library automation system and ancillary equipment systems.
- Fund the purchase of additional books, e-books, audio and visual library materials, digital books and audio books, software, and full-tutorial databases.
- Supply library operating supplies.

EXHIBIT B

CITY OF BURLEY
NOTICE OF SPECIAL ELECTION
MAY 18, 2021

NOTICE IS HEREBY GIVEN that, pursuant to Resolution No. 2-21 adopted by the Burley City Council on March 2, 2021, a special election will be held in the City of Burley on Tuesday, May 18, 2021, between the hours of 8:00 o'clock A.M. and 8:00 o'clock P.M. for the purpose of voting upon the question and proposition of increasing the levy on the taxable property within the City of Burley by the amount necessary to produce the sum of Two Hundred Seventy-Seven Thousand Two Hundred Eighty and No/100 Dollars (\$277,280.00) in excess of that otherwise allowed by law, for each of the tax years 2021 and 2022, to provide additional funding for the Burley Public Library as provided in Resolution No. 2-21 of the Burley City Council adopted on the 2nd day of March, 2021.

The Burley City Council has adopted the following Official Statement:

On May 18, 2021, a special election will be held on the question of a levy to provide additional funding for the Burley Public Library as provided in Resolution No. 2-21 of the Burley City Council adopted on the 2nd day of March, 2021. The levy will be assessed for the two tax years 2021 and 2022, and it is estimated that Two Hundred Seventy-Seven Thousand Two Hundred Eighty and No/100 Dollars (\$277,280.00) in excess of that otherwise allowed by law will be collected each year.

The question to be submitted to the electors of the City of Burley shall be by ballot reading substantially as follows:

FOR THE NEXT 2 YEARS, LEVY FUNDS IN THE AMOUNT OF (\$277,280.00) SHALL BE USED TO PROVIDE 51% OF THE GENERAL OPERATING FUNDS FOR THE LIBRARY AND FOR AN IMPROVED PATRON EXPERIENCE BY USING FUNDS TO MAKE AVAILABLE ACCESS TO MEMBER LIBRARIES WHICH SHARE MATERIALS FOR THE BENEFIT OF PATRONS. LEVY FUNDS SHALL ALSO BE USED FOR SOFTWARE AND EQUIPMENT SYSTEMS AND THE PURCHASE OF E-BOOKS, AUDIO, AND VISUAL LIBRARY MATERIALS. THE FUNDS SHALL ALSO BE USED TO PAY FOR A PROGRAM LIBRARIAN, LIBRARIANS AND SUPPORT STAFF SALARIES AND TO PROVIDE SERVICE AND MAINTENANCE, AS WELL AS A CONTRACTED COMPUTER TECHNICIAN AND JUNIOR RESOURCE INTERNS. THE ESTIMATED AVERAGE ANNUAL COST TO THE TAXPAYER OF THE PROPOSED LEVY, IN THE FORM OF A TAX IS \$40.77 PER ONE HUNDRED THOUSAND DOLLARS (\$100,000) OF TAXABLE ASSESSED VALUE, PER YEAR, BASED ON CURRENT CONDITIONS.

SHALL THE LEVY UPON THE TAXABLE PROPERTY WITHIN THE CITY OF BURLEY BE INCREASED TO PRODUCE THE SUM OF TWO HUNDRED Seventy-Seven THOUSAND Two hundred eighty AND NO/100 DOLLARS (\$277,280.00) IN EXCESS OF THAT OTHERWISE ALLOWED BY LAW, FOR EACH OF THE TAX YEARS 2021 AND 2022, TO PROVIDE ADDITIONAL FUNDING FOR THE BURLEY PUBLIC LIBRARY AS PROVIDED IN RESOLUTION NO. 2-21 OF THE BURLEY CITY COUNCIL ADOPTED ON THE 2ND DAY OF MARCH, 2021.

Qualified electors shall vote at precinct polling stations designated by Cassia County and Minidoka County.

The ballot proposition to be voted upon at the special election shall be separate from any other measure that might be voted upon on said date and only those qualified electors casting valid ballots upon the proposition set forth herein shall be counted in determining whether the proposition has been approved by a majority as required by Idaho Code § 63-802(3).

Qualified electors eighteen (18) years of age or older who have resided in the State of Idaho and in the City of Burley for at least thirty (30) days next preceding the election, if registered as required by law, and no others, will be permitted to vote at said special election.

The Clerks of Cassia County and Minidoka County, Idaho, are the Registrars of said City of Burley and the place of registration for such elections is the Cassia County Courthouse, 1459 Overland Avenue, Burley, Idaho, and the Minidoka County Courthouse, 715 G. Street, Rupert, Idaho. Electors may register at the Cassia County Courthouse or Minidoka County Courthouse until April 23, 2021, at 5:00 o'clock P.M. per Idaho Code § 34-408.

Any person who is eligible to vote may register on election day by appearing in person at the polling place established for the election and completing a registration card, making an oath on the form prescribed by law, and providing proof of residence in the manner provided for by Idaho Code § 34-408A. Residence, for registration purposes, may be proved by: (1) showing an Idaho driver's license or Idaho identification card issued through the department of transportation; (2) showing a document that contains a valid address in the precinct together with a picture identification card; or (3) showing a current valid student photo identification card from a postsecondary educational institution in Idaho accompanied with a current student fee statement that contains the student's valid address in the precinct.

Any individual who is eligible to vote may register by mail for said special election in the manner provided for by § 34-410, Idaho Code.

No qualified elector who was duly registered as a voter, and who continues to reside at the same address or within in the same precinct in which he or she is registered, and who has voted in at least one primary or general election within his or her county of residence during the past four (4) years, shall be required to reregister.

Any qualified and registered elector of the City of Burley may vote by absentee ballot in the manner provided by Title 34, Chapter 10, Idaho Code. Applications for absentee ballot shall be in writing; contain the name of the elector, his or her home address, county, and the address to which such ballot shall be forwarded; and made to the Cassia County or Minidoka County Clerk not later than 5:00 o'clock P.M. on May 7, 2021. To be counted, absentee ballots must be received by said Cassia County or Minidoka County Clerk by 8:00 o'clock P.M. on the day of the special election, May 18, 2021.

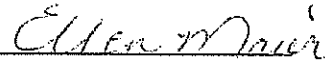
If, at said election, the majority of the voters vote to approve, the levy on the taxable property within the City of Burley will increase by the amount necessary to produce additional tax revenues in the sum of Two Hundred Seventy-Seven Thousand Two Hundred Eighty and No/100 Dollars (\$277,280.00) in excess of that otherwise allowed by law, for each of the tax years 2021 and 2022.

DATED this 7th day of March, 2021.



Steve Ormond
Mayor

ATTEST:



Ellen Maier
City Clerk

EXHIBIT C

CITY OF BURLEY
OFFICIAL STATEMENT
OF MAY 18, 2021, SPECIAL ELECTION

On May 18, 2021, a special election will be held on the question of a levy to provide additional funding for the Burley Public Library as provided in Resolution No. 2-21 of the Burley City Council adopted on the 2nd day of March, 2021. The levy will be assessed for the two tax years 2021 and 2022, and it is estimated that Two Hundred Seventy-Seven Thousand Two Hundred Eighty and No/100 Dollars (\$277,280.00) in excess of that otherwise allowed by law will be collected each year.

MEMORANDUM OF UNDERSTANDING ON PROPERTY DEVELOPMENT

City Administrator Mark Mitton said property is developing on all sides of the park property between the cemetery and 100 South. He said the developers want us to sign a MOU that talks about working with them on development costs. We will have to find a fair and equitable way to provide sewer and water for all of the different properties. He stated the Funk property is ready to develop, the church property has been purchased and is ready for utilities, the DDBL property is a sub-division going in on the West side and we are in the middle.

City Attorney Dave Shirley said the LDS Church has drafted the MOU and that the MOU is nonbinding on all parties and that we will go forward in good faith and that at this point we as the City of Burley does not incur any expense, indebtedness or liability.

A motion was made by Council member Jon Anderson and seconded by Council member Morgan to approve the memorandum of understanding and allow the Mayor to sign it.

Roll Call Vote:

The results of the votes were as follows:

Casey Andersen	Aye	Janet Hansen	Aye
Jon Anderson	Aye	Bryce Morgan	Aye
John Craner	Aye	Kimberli Seely	Aye

Motion carried.

GOLF SHED CONSTRUCTION

It was stated that they are waiting on bids to come in and will bring this to Council at a later date.

REPORT AND DISCUSSION OF RECENT CITY EVENTS

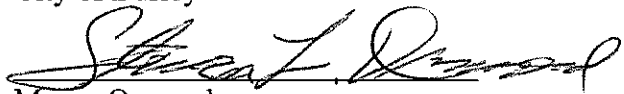
Mayor Ormond stated that COVID numbers are down to an average of 2 per day. Council member Hansen said the vaccinations are increasing in supply and clinics are ramping up.

A motion was made by council member Casey Andersen and seconded by Council member Morgan to adjourn the meeting at 7:42 P.M.

All "Aye."

Motion carried.

City of Burley


Mayor Ormond

ATTEST: Ellen Mair
City Clerk